

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JESSE JAMES,

Plaintiff,

-against-

MEMORANDUM & ORDER

06 CV 680 (RJD) (LB)

ENTERPRISE ASSOCIATION OF STEAMFITTERS
LOCAL 638 OF THE UNITED ASSOCIATION OF
STEAM, HOT WATER, HYDRAULIC AND
GENERAL PIPE FITTERS OF NEW YORK AND
VICINITY,

Defendant.
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DEARIE, Chief Judge.

On October 30, 2007, Magistrate Judge Lois Bloom issued a Report and Recommendation ("Report") with respect to the above-referenced case. The Court has reviewed the Report, plaintiff's objections to the Report, and defendant's response to plaintiff's objections.


The Court adopts Magistrate Judge Bloom's Recommendations with the following exceptions. First, the Court finds that plaintiff's state law allegations of discrimination and retaliation based upon events occurring after December 1, 2003, should not be dismissed. Second, the Court grants plaintiff leave to amend his complaint to include state or city law allegations of discrimination and retaliation occurring after December 1, 2003. As the Report recommended, the Court holds that plaintiff's federal retaliation claims occurring after February 5, 2005, survive dismissal as well. A Memorandum of Decision will issue.

SO ORDERED.

Dated: Brooklyn, New York

March 31, 2008

s/ Judge Raymond J. Dearie

A handwritten signature in black ink, appearing to read 'RAYMOND J. DEARIE', is written over a horizontal line.

RAYMOND J. DEARIE
United States District Judge